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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,250	06/26/2003	Venkat Selvamanickam	SPP 18.804	7760
26304	7590	09/08/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			KACKAR, RAM N	
			ART UNIT	PAPER NUMBER
			1763	
DATE MAILED: 09/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/609,250	SELVAMANICKAM ET AL.	
	Examiner	Art Unit	
	Ram N. Kackar	1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12,16-18 and 26-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12,16-18 and 26-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>Four</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 12-25 and cancellation of non-elected claims 1-11 in the reply filed on 6/23/2005 is acknowledged. The traversal is on the ground(s) that the examination of all of the claims is not believed to create an undue burden on the USPTO and that the subject matter among the groups is not independent and distinct as required by statute. This is not found persuasive because of distinct nature of invention as pointed out in the requirement.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 12, 16, 17, 26, 32-40, 42-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaidya et al (US 5076203).**

Vaidya et disclose a process for cooling and positioning a translating substrate in a deposition chamber for vacuum deposition (Col 1 lines 8-11), gas inlet (Fig 1-17, Fig 6-30), source of deposition material (Fig 6-27), means of delivering the deposition material (electron – beam heater (Col 3 line 35), means of translating a substrate (Fig 6-22) from 0-90 meters per min (Abstract), curved means of positioning the substrate so that deposition material impinges on the substrate (23) whereas the substrate positioning means contains internal liquid coolant channels

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(23a and 23b) and internal gaseous coolant delivery channels (Fig 6-30, Fig 7-10 and Col 6 lines 5-68) which could use oxygen or argon to allow the temperature from 0 degrees C upwards.

4. Claims 12, 17-18, 26-41, 44-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Lijima et al (2001/0006042).

Lijima et al disclose a process for cooling and positioning a translating substrate (tape like) which could be comprise metal like nickel (Paragraph 59) in a deposition chamber for vacuum deposition (abstract and Fig 3), gas inlet (38), source of deposition material (36), means of delivering the deposition material (ion beam -38), means of translating a substrate (24,25), means of positioning the substrate so that deposition material impinges on the substrate (23) whereas the substrate positioning means contains internal gaseous coolant delivery channels through nozzles (Fig 5-60) which could comprise nitrogen or oxygen as a part of air (paragraph 65 and 86). Lijma et al further teach that the process is used for making a buffer layer of yttrium stabilized zirconia (YSZ) or MgO for a superconducting film (Abstract and paragraph 71) using ion assist (39).

Regarding claims 27-31 since Lijma et al disclose the process as claimed it is inherent that the biaxial texture of the product will be in the claimed range. Further Lijma et al teach that the measure of biaxial texture is FWHM (full width at half maximum) and that it could be minimum at an incidence angle of 50-60 degrees (paragraph 16,87 and 99). Further Lijma et al disclose various parameter affecting FWHM and disclose it to be below 10 degrees (Fig 13).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ram N Kackar whose telephone number is 571 272 1436. The examiner can normally be reached on M-F 8:00 A.M to 5:P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571 272 1435. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ram Kackar
Examiner AU 1763